

# HAYNES BOONE



October 18, 2022

**Via ECF**

The Honorable John P. Cronan  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1320  
New York, NY 10007

***Re: GMO Gamecenter USA Inc. and GMO Internet, Inc. v. Whinstone US, Corporation,  
No. 1:22-cv-5974 (S.D.N.Y.)***

Dear Judge Cronan:

Counsel for Plaintiffs GMO Gamecenter USA Inc. and GMO Internet, Inc. (collectively, “GMO”) writes to request the Court’s leave to file a Third Amended Complaint in order to update the name of Plaintiff GMO Internet, Inc. in the case caption to GMO Internet Group, Inc.

The need to update the case caption stems from Plaintiff GMO Internet, Inc.’s decision to change its name to GMO Internet Group, Inc. for business purposes on September 1, 2022. A copy of GMO’s webpage announcing the name change is attached hereto as **Exhibit A**. Other than changing the plaintiff entity name as described above, the proposed Third Amended Complaint is otherwise identical to GMO’s Second Amended Complaint. No prejudice, bad faith, undue delay, or futility results from GMO’s amendment of the complaint to update the case caption. The proposed Third Amended Complaint, which correctly names GMO Internet Group, Inc., is attached hereto as **Exhibit B**, and a redline demonstrating the changes made from the Second Amended Complaint is attached hereto as **Exhibit C**.

Counsel for the Defendant consents to GMO’s filing of the Third Amended Complaint and to the amendment of the case caption. *See* Fed. R. Civ. P. 15(a)(2) (“[A] party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.”).

Very truly yours,

/s/ Leslie Thorne

Leslie Thorne  
Partner, Haynes and Boone, LLP  
Leslie.thorne@haynesboone.com  
Direct Phone Number: 212.835.4848

/s/ Robert R. Scher

Robert R. Scher, Esq.  
Foley & Lardner LLP  
rscher@foley.com  
Direct Phone Number: 212.338.3405